

Central Intelligence Agency



Washington, D.C. 20505

11 September 2019

Mr. Matthew Phelan  
MuckRock News  
DEPT MR 49260  
411A Highland Avenue  
Somerville, MA 02144-2516

Reference: F-2018-00938

Dear Mr. Phelan:

This is a final response to your 26 March 2018 appeal to the Agency Release Panel (ARP) regarding your request for records under the Freedom of Information Act (FOIA).

***The ARP carefully considered your petition and determined that the appeal should be denied in full.*** As the Executive Secretary of the ARP, I am the CIA official responsible for informing you of the appellate determination, described more fully in what follows.

The ARP upheld the initial action with respect to records that might reflect an open or otherwise acknowledged relationship with the CIA. The Agency conducted a reasonable search calculated to uncover material responsive to your request and was unable to locate any responsive records.

To the extent that your request sought records that might reveal a classified or otherwise unacknowledged connection with the CIA, the ARP upheld the initial determination that the Agency could neither confirm nor deny the existence or nonexistence of such records, in accordance with Section 3.6 (a) of Executive Order 13526. The fact of the existence or nonexistence of such records is itself currently and properly classified and is intelligence sources and methods information protected from disclosure by Section 6 of the CIA Act of 1949 and Section 102A(i)(1) of the National Security Act of 1947. Therefore the appropriate FOIA exemptions are (b)(1) and (b)(3). Exemption (b)(3) pertains to information exempt from disclosure by statute. The relevant statutes are Section 6 of the Central Intelligence Agency Act of 1949, and Section 102A(i)(1) of the National Security Act of 1947.

In accordance with the provisions of the FOIA, you have the right to seek judicial review of this determination in federal district court. Alternatively, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and federal agencies. Using services offered by OGIS does not affect your right to pursue litigation. For more information, including how to contact OGIS, please consult its website at <http://ogis.archives.gov>.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Lilly".

Mark Lilly  
Executive Secretary  
Agency Release Panel